

7626. Adulteration of tomato paste. U. S. * * * v. Central Canning Co., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 9790. I. S. Nos. 8741-p, 8742-p, 8743-p.)

On May 5, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Central Canning Co., a corporation, New Orleans, La., alleging the sale by said company, on or about October 20, 1917, October 21, 1917, and November 11, 1917, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated or misbranded within the meaning of said act, of quantities of tomato paste which was adulterated within the meaning of the said act, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof on or about October 20, 1917, October 21, 1917, and November 11, 1917, from the State of Louisiana into the State of Alabama, in further violation of the said act. The article was labeled in part, "Cowboy Brand Tomato Paste," "Life Buoy Brand Tomato Paste," and "Eagle Brand Tomato Paste."

Examination of samples of the article by the Bureau of Chemistry of this department showed it to be decomposed.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

E. D. BALL, *Acting Secretary of Agriculture.*

7627. Misbranding of La Sanadora. U. S. * * * v. Felipe B. Romero (Romero Drug Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 8980. I. S. No. 22456-m.)

On November 21, 1918, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Felipe B. Romero, trading as Romero Drug Co., El Paso, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 29, 1917, from the State of Texas into the State of California, of a quantity of an article, labeled in part "La Sanadora," which was misbranded.

Analysis of a sample made in the Bureau of Chemistry of this department showed that the article consisted essentially of a hydro-alcoholic solution of opium, containing a small amount of caffeine, ammonia, and capsicum, and flavored with oil of peppermint.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottles containing, and on the cartons enclosing the article, regarding the article, falsely and fraudulently represented it as a remedy, treatment, and cure for rheumatism, sprains, sore throat, coughs, colds, pustules, contraction of the tendons and muscles, stiffness of the joints, pain in the back and chest, lumbago, inflammation of the kidneys, neuralgia, fissured breasts, burns, earache, catarrh, fevers, chills, colic, cholera, piles, all painful afflictions, and itch, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements regarding the article, in the circular accompanying the article, falsely and fraudulently represented it as a remedy, treatment, and cure for itch, bronchitis, dysentery, croup, wounds, diphtheria, malaria, scalds, tonsillitis, la grippe, indigestion, sour stomach, dyspepsia, sciatica, whooping cough, painful disorders of women, retention of

urine, felons, wetting the bed, muscular rheumatism, diseases of the skin, abscesses, ulcers, cavities with pus, after-pains, vomiting, and white flooding or white flowers, when, in truth and in fact, it was not.

On December 15, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

7628. Adulteration and misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Plea of guilty. Fine, \$75. F. & D. No. 9866. I. S. Nos. 12519-r, 12353-r, 13669-r, 15615-r, 15616-r, 16015-r, 16016-r.)

On January 3, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gabriel Carbateas and Nicholas S. Monahos, a partnership doing business as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about June 10, 1918, July 13, 1918, August 10, 1918, August 22, 1918, July 3, 1918, and August 6, 1918, from the State of New York into the States of Ohio, Massachusetts, and Florida, and into the District of Columbia, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part, "Olio Sopraffino Olivola * * * Packed by NSM New York," "Finest Quality Table Oil Insuperabile Termini Imerese," and "Francescani Brand."

Analyses of samples of the article made in the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short volume.

Adulteration of the article in each shipment, except the Francescani brand, in the shipment of August 22, 1918, was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article labeled in part, "Olivola Olive Oil" and "Termini Imerese Olive Oil," in the shipments on June 10, 1918, August 22, 1918, July 13, 1918, August 6, 1918, and August 10, 1918, was alleged for the reason that the statements, to wit, "Olio Sopraffino Olivola," "Net Contents $\frac{1}{2}$ Gallon" or "1 Gallon" or " $\frac{1}{4}$ Gallon," not corrected by the statement "Winterpressed cottonseed salad oil flavored slightly with pure olive oil," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, and that each of said cans contained $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that each of said cans contained $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of cottonseed oil, and each of said cans did not contain $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon of the article, but contained a less amount, and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

Misbranding of the article labeled in part, "Francescani Brand," in the shipment of August 22, 1918, was alleged for the reason that the statements, to wit, "Francescani Brand," together with the designs and devices of a crown and olive branches and "Net Contents $\frac{1}{2}$ Gallon," not corrected by the statement in inconspicuous type "Winterpressed cottonseed salad oil flavored slightly with pure olive oil a compound," borne on the cans containing the article, regarding